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PRE-APPEAL BRIEF REQUEST FOR REVIEW	Docket Number (Optional) RSW 9200 30177 US1	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _October 10, 2007_ Signature _Cindy Holland_ Typed or printed name _Cindy Holland_	Application Number 10/705,555	Filed 11/10/2003
	First Named Inventor Barta	
	Art Unit 2192	Examiner Wei

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
        Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☑ attorney or agent of record.
Registration number _37,720_

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

Rudolf O. Siegesmund
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                        Telephone number
October 10, 2007
                        Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☑ Total of _1_ forms are submitted.

Attorney Docket No. RSW920030177US1
Serial No. 10/705,555

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re Barta et al.	) Serial No. 10/705,555
	)
Applicant,	) Docket No. RSW920030177US1
	)
For: Generating Summaries for Software Component Installation	) Art Unit 2192
	)
	) Examiner Wei
Filed: 11/10/2003	)

PRE-APPEAL BRIEF REVIEW STATEMENT

October 10, 2007

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

On August 10, 2007, the examiner mailed a final office action rejecting all claims. On October 10, 2007, applicant appealed and requested pre-appeal brief review. Accordingly, the following Pre-Appeal Brief Review Statement is submitted.

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PRE-APPEAL BRIEF REVIEW STATEMENT

Applicant presents for review the single issue of whether Bourke-Dunphy et al (US 6,918,112) and Zimniewicz (U.S. 6,744.450) disclose each and every limitation of the independent claims. Specifically, applicant disagrees with the examiner's interpretation of the cited references and the claims at issue because the claims are directed to reporting the status of software installation rather than the installation itself. Two limitations are presented for review:

(1) "selecting a level of detail to be reported regarding the status of components being installed"; and

(2) "recording a user's selected preference for a level of granularity in a log, and when the user participates in a subsequent installation, using the level in the log as a default level."

In regard to the term "level of granularity," construction of the term shows that it means the same as "requested amount of information." Applicant's specification states "[t]he installation agent of the present invention accesses the semantic model and, according to the user's input, displays the requested amount of information, that is the selected granularity, about the progress of the installation. (Paragraph [39] lines 5-8) It is the user's preference for the level of detail in reporting that is saved in a log.

The importance of distinguishing the degree of granularity is discussed in the patent specification. The distinction is important because it allows an inexperienced user to choose a high level of display, and an experienced user such as a system administrator "may choose the lowest level of display with the finest granularity such as files, libraries, and jar files."

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(Specification [39] lines 8-11)   It is the retention of the preference for the level of detail that is included in the claim limitation.

In regard to the first limitation, the examiner cited Zimniewicz, FIG. 4b, steps 140, "Display Scenario Selection Screen," 142 "Receive User Scenario Selection" and "related text." The related text states that "if there are two or more scenarios 138, the scenario selection screen is displayed 140, " "the screen displayed is the initial UI page specified in the scenario data field," and on "this page, users can choose 142 from a number of different pre-configured setups, or select Custom Scenario to completely customize the component or suite installation." (Zimniewicz,10:48-55). The drawing and text selections do not disclose the first limitation (or the second). The set up is for software installation—not for reporting on the installation of software.

In regard to the second limitation, the examiner stated that Zimniewicz, 6:34-49 disclosed a "setup database file (setup.sdb)" which can be used to save configuration information." The examiner further referenced Zimniewicz, 7:27-29 quoting "[t]he UI Manager 91 may also display any customized pages identified in the setup.sdb file during the installation and setup of the suite." The examiner further stated: "[t]hus, it is clear that the customized page (user's selected preference) can be logged (setup.sdb) and used during installation. The examiner asserted that therefore, Zimniewicz, discloses the feature "user preference log." But the preference at issue is for the level of detail in reporting, not the installation itself.

In regard to the two portion of Zimniewicz cited by the examiner, neither disclose the limitations because they describe installation of software, not reporting on the installation of software.

The first portion of Zimneiwicz cited by the examiner states the following:

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    In accordance with the invention, a system and method are presented that allows the addition and customization of install actions definable by application components to be installed. Further, a new user interface (UI) is presented that allows a logical and easily understandable presentation of the current state and defined actions available and selected for an installation application. This system is embodied in a Suite Integration Toolkit (SIT) and utilizes a common architecture used for a setup database file (setup.sdf) to identify components and their available actions to be performed during the installation and setup thereof. SIT complements, but does not replace, existing installer technology. SIT works as an integration layer for disparate setups but does not perform core setup tasks such as file copy, registry operations, etc., although it may be expanded to do so. (6:34-49)

This portion of the reference deals with installation and not with reporting on the installation.

The second portion of Zimneiwicz cited by the examiner states the following:

    The UI Manager 91 may also display any customized pages identified in the setup.sdb file during the installation and setup of the suite. During this installation and setup, the SIT may utilize a Scenario Factory 95 to install only selected application programs or components from the suite as selected by a user or as pre-configured by the suite owner. (7:27-29)
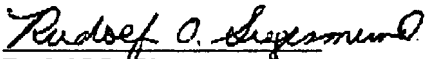
The second portion of Zimneiwicz deals with scenarios for installation, and not for reporting on the installation.

    Moreover, applicant submits that the examiner did not address the entire limitation. Applicant's limitation requires that the log (1) contain a "user's selected preference for a level of granularity," and (2) the level of granularity preferred by the user would be used as a default level if the user "participates in a subsequent installation." The examiner appears to equate the setup.sbd file with a "user preference log." But the claim limitation is directed to a preference for a level of detail in reporting on the installation of the software (in conjunction with other elements of the claim).

    Therefore, applicant submits that Bourke-Dunphy and Zimiewicz together or independently do not disclose the entire limitations of the independent claims.

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Respectfully submitted,

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